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Applicant(s): Raphael Mestanza

Docket No.

08CL07194 (GP1-0075)

Serial No.

09/313,063

Filing Date

9/22/00

Examiner

T. Boykin

Group Art Unit

1711

Invention: **METHOD FOR QUENCHING OF POLYCARBONATE AND COMPOSITIONS PREPARED THEREBY**

JAN 09 2002

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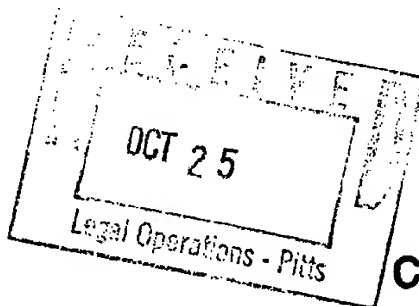


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ON PETITION

In re Application of
Raphael Mestanza
Application No. 09/313,063
Filed: May 17, 1999
Attorney Docket No. 8CL-7194

This is a decision on the copy of the petition received by facsimile transmission on October 16, 2001, which petition was originally received in the PTO on September 22, 2000, requesting withdrawal of the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED** as moot.

Unfortunately, the petition to withdraw from issue filed on September 22, 2000 did not reach the appropriate deciding official's office for action until after issuance of this application into Patent No. 6,136,945 on October 24, 2000. Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue.**

Note also 1220 *off. Gaz. Pat. Office* 42 (March 9, 1999), under "Patents to Issue More Quickly after Issue Fee Payment," and 1221 *off. Gaz. Pat. Office* 14 (April 6, 1999), under "Filing of Continuing Applications, Amendments, or Petitions After Payment of Issue Fee," which states:

In the event that it is necessary to file a petition under 37 CFR 1.313 (b) [now 37 CFR 1.313(c)] to withdraw an application from issue

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after payment of the issue fee, the PTO strongly recommends that the petition be clearly marked "Petition under 37 CFR 1.313(b)" and be either:

- (1) Submitted by facsimile to (703) 308-6916; or
- (2) Hand-carried to the Office of Petitions.

Otherwise, it is quite possible that the petition will not be brought before the appropriate deciding official before the date the application issues as a patent.

The most common petition under 37 CFR 1.313(b) is a petition under 37 CFR 1.313(b)(5) to withdraw an application from issue for abandonment in favor of a continuing application to permit consideration of an information disclosure statement (IDS) in the continuing application. In this event, applicants are encouraged to file the petition under 37 CFR 1.313(b)(5) with a continued prosecution application (CPA) under 37 CFR 1.53 (d) by facsimile to (703) 308-6916. The petition need not be accompanied by the IDS (if the size of the IDS makes its submission by facsimile impracticable), but the petition should indicate that an IDS will be filed in the CPA if an IDS does not accompany the petition under 37 CFR 1.313(b)(5).

As evidenced by the copy of the stamped return post card receipt accompanying the October 16, 2001, facsimile transmission, the Office also acknowledged receipt of a CPA transmittal, an Information Disclosure Statement, PTO Form 1449, and the references cited. These papers have not to date been located.

Petitioner may request by way of a petition under 37 CFR 1.53(e) that the 37 CFR 1.53(d) request for a continued prosecution application be converted to a 37 CFR 1.53(b) continuing application in order to have the prior art considered by the examiner. The petition to convert should be directed to the Office of Petitions and must include the filing of a complete copy of the prior application, i.e., specification, claims, and drawings, if required, and a copy of the signed oath/declaration. Information regarding the filing of a petition to convert may be obtained by calling the undersigned at (703) 305-8680. Additionally, since the September 22, 2000 submission cannot be located, petitioner should also submit a copy of the references cited in Form PTO 1449 to be considered in the continuing application under 37 CFR 1.53(b).

Should petitioner choose this course of action, petitioner should include a copy of this decision with the petition under 37 CFR 1.53(e). The examiner is to make all applicable prior art rejections (not just include a statutory double patenting rejection under 35 U.S.C. § 101) based upon the information cited in the IDS, alone or with other information of record, in the resulting application under 37 CFR 1.53(b).

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

The patented file will be retained in the Office of Petitions for one month to await submission of the petition under 37 CFR 1.53(b). If no petition is received within that time, the patented file will be forwarded to Files Repository.



Frances Hicks

Lead Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy

09/313,063

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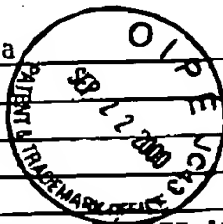
OCT 16 2001

PETITIONS OFFICE



07-0862
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In Re—Application of: R. Mestanza
Serial Number: 09/313,063
Filed: 05/17/99
Examiner: T. Boykin
Group Art Unit: 1711
For: METHOD FOR QUENCHING OF POLYCARBONATE AND
COMPOSITION PREPARED THEREBY · 8CL-7194
Docket Number: _____



The U.S. Patent Office has received the following documents: _____
Petition to Withdraw From Issue (2); CPA Transmittal (2);
Information Disclosure Statement (1 orig., 2 copies);
PTO Form 1449; References Cited

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Thank you. FAS/et 9/22/00

